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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Appeal to the Board of Appeals

In re Application of)

HEINZ et al.)

Art Unit: 1636

Serial No. 10/019,048)

Examiner: AKHAVAN, Ramin

Filed: December 27, 2001)

For: **PLANTS EXPRESSING Δ 6-DESATURASE GENES PUFAS-CONTAINING OILS
FROM THESE PLANTS AND A PROCESS FOR THE PREPARATION OF
UNSATURATED FATTY ACIDS**

To: Hon. Commissioner of Patents and Trademarks

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D. C. 20035, on:

January 18, 2004

Date of Deposit

Sabine Berg

Person Making Deposit

Signature

1. ☐ **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Appeals from the decision dated _____ of the Primary Examiner finally rejecting claims ____.
2. ☐ A check to cover the extension fee of \$ _____ is enclosed.
3. ☒ **BRIEF** on appeal in this application is transmitted herewith.
4. ☐ An Oral Hearing is requested.
☐ The Oral Hearing fee of \$280.00 is enclosed.
5. ☒ Fee \$500.00
☐ Enclosed
☐ Not required (Fee paid in prior appeal)
☒ Charge to Deposit Account No. 11-0345.
6. ☒ The Commissioner is hereby authorized to charge any fees which may be further required, or credit any over payment to Account No. 11-0345. A duplicate copy of this sheet is attached.

Respectfully submitted,
KEIL & WEINKAUF

By Herbert B. Keil
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Acad. Sci. USA 87: 2264-2268, 1990). A definitive method for identifying nucleic acids that have the recited percent homology to the referenced sequences are available.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that reversal of the examiner's rejection of all claims is in order.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account:

Respectfully submitted,

KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "Daniel Kim", written in a cursive style.

Daniel S. Kim
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